IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 4240 of 2004(D)

OPSM.2286/2001 of OMBUDSMAN, THIRUVANANTHAPURAM

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PETITIONER:

PIRAVANTHUR GRAMA PANCHAYATH(SPL.GRADE),
REPRESENTED BY ITS SECRETARY, VETTITHITTA POST,
PIRAVANTHUR, KOLLAM DISTRICT.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

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1. KL.SAVITHRY,
PLOT NO.IIB, WARD NO.1, HARIJAN COLONY,
PIRAVANTHUR, KADACKAMAN, PATHANAPURAM POST,KOLLAM.

*ADDL.R2.THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS,
THIRUVANANTHAPURAM.

*ADDL.R2 IS IMPLEADED AS PER THE ORDER DATED 19.2.2004 IN I.A.NO.1869/04.

R1 BY ADV. SMT.CAROLIN SINDHU VAZ
SRI.K.S.MOHAMED HASHIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 4240/04)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE PRIORITY LIST PREPARED BY THE PETITIONER.

EXT.P2: TRUE COPY OF THE FINAL SELECTION LIST PREPARED BY THE PETITIONER.

EXT.P3: TRUE COPY OF THE PETITION DATED NIL FILED BY THE RESPONDENT BEFORE THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS.

EXT.P4: TRUE COPY OF THE DETAILED OBJECTION DATED 19.9.2001 FILED BY THE PETITIONER.

EXT.P5: TRUE COPY OF THE ORDER DATED 28.10.2002 IN O.P.NO.(SM)2286/01 FILED BEFORE THE OMBUDSMAN FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.

EXT.P6: TRUE COPY OF THE APPLICATION FOR REVIEW DATED 14.1.03 FILED BY THE PETITIONER.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.4240 of 2004

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Dated: 20th June, 2007

JUDGMENT

Heard both sides. Ext.P5 order of the Ombudsman for Local Self Government Institutions, Trivandrum is under challenge. Though very strenuous arguments were addressed before me by the counsel for the petitioner-Panchayat, I am not persuaded to agree that the ultimate directions issued by the Ombudsman against the petitioner warrant any interference. Nevertheless it appears to me that the Ombudsman would not have perhaps made the observation that the Secretary of the Panchayat is guilty of insubordination and contempt if the Secretary had been personally heard before passing Ext.P5. Since Ext.P5 is passed without hearing the petitioner(the Secretary of the Panchayat), I set aside Ext.P5 on that reason alone. I direct the Secretary of the Panchayat to appear before the Ombudsman in the next sitting of the Ombudsman which comes after the petitioner obtains a copy of the judgment. The Ombudsman will issue notice to the petitioner and the 1st respondent, hear the petitioner and the 1st respondent and take a fresh decision on the issue covered by Ext.P5.

The Writ Petition is disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**